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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,904	06/09/2000	Dean F. Jerding	A-6585	1598
5642	7590	01/11/2005	EXAMINER	
SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/590,904	Applicant(s) JERDING ET AL.	
	Examiner Annan Q Shang	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 17-37 and 47-62 are rejected under 35 U.S.C. 102(e) as being anticipated by **Herrington et al (2004/0221310)**.

As to claim 1, note the **Herrington et al** reference figures 1-6, disclose an electronic program guide with related-program search feature and further disclose a programmable television services client device (Set-top box "STB" 62) for enabling a user to search for television program information, the client device comprising:

the claimed "memory of the client device for storing data that includes an interactive program guide (IPG) database;" is met by Set-top box (STB) 62 Memory which includes a Program Listing Database (IPG-D) 64 (page 3, [0043] and [0047]), which stores data including IPG data and display configuration information that includes program listings and program attributes (page 3, [0047], lines 12+) "a guide arrangement," where the guide arrangement is configured in a search format, based on user's interest, e.g. SEINFELD, KNICKS V WIZARDS, etc., (fig. 3 and page 3, [0051]-[0056]), and displays Screen 90, SEINFELD, KNICKS V WIZARDS, etc "at least one

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prompt” for user input designating SEINFELD, KNICKS V WIZARDS, etc., “at least one television program search parameter;” and

the claimed “a processor configured to search in the IPG database of the memory based on the at least one television program search parameter and caused a search result related to the television program search parameter to be displayed...” is met by Processor of STB 62 (page 3, [0050]), which causes a search result related to SEINFELD, KNICKS V WIZARDS, etc., to be displayed on Television 68 “a viewing device” (figs 3-8, [0053-0056], [0062-0064] and [0066-0069) and where the processor is responsive to Remote Controls (RC) 70 or 72, Mouse, etc., “user input” (page 3, [0045]).

As to claims 2 and 3, Herrington further discloses where the STB 62 displays search result includes a television program title, program starting time and identifies a television channel (page 6, [0075]).

As to claim 4, the claimed “user input,” is met by RCs 70 or 72, Mouse, etc., (page 3, [0045]), which selects a search result.

As to claim 5, Herrington further discloses where STB 62 Processor, is responsive to user selection of search result, RCs 70 or 72, Mouse, etc., “user input” (figs 3-8, page 3, [0045], [0053-0056], [0062-0064] and [0066-0069).

As to claim 6, the claimed “viewing device..,” is met by Television 68, (page 3, [0044]).

As to claim 7, the claimed “a programmable television services server device,” is met by Television Distribution Facility (Facility) 56 or Main Facility 52 (fig. 1 and page 2, [0035-0040], which coupled to STB 62 via Cable links, fiber links, etc.

As claim 17, Harrington further discloses where the search parameter includes a sequence of characters (page 5, [0066-0067], [0073-0074] and [0086]).

Claims 18-20 are met as previously discussed with respect to claim 4.

As to claim 21, Herrington further discloses where the search result displayed on the viewing device is related to a television program title that contains the sequence of characters in the search parameters (figs. 5-8 and page 4, [0061-0062]).

Claims 22-24 are met as previously discussed with respect to claims 2-3.

As to claim 25, Harrington further discloses where the search result displayed, such as Star Trek, etc., on the TV 68 is related to a television program description that contains one or more characters in the search term (figs. 5-8 and page 4, [0061-0062]).

Claims 26-28 are met as previously discussed with respect to claims 2-3.

Claim 29 is met as previously discussed with respect to claim 4.

Claim 30 is met as previously discussed with respect to claim 5.

As to claim 31, note the **Herrington et al** reference figures 1-6, disclose an electronic program guide with related-program search feature and further disclose a method for implementing a programmable television services client device to enable a user to search for television program information, the method comprising:
the claimed “implementing display configuration information in a memory of the client device that includes a guide arrangement and interactive program guide (IPG)

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database,...” is met by Processor of Set-top box (STB) 62 (page 3, [0043], [0047] and [0050]), which implements display configuration in STB 62 Memory which includes a Program Listing Database (IPG-D) 64 (page 3, [0043] and [0047]), which stores data including IPG data and display configuration information that includes program listings and program attributes (page 3, [0047], lines 12+) “a guide arrangement,” where the guide arrangement is configured in a search format, based on user’s interest, e.g. SEINFELD, KNICKS V WIZARDS, etc., (fig. 3 and page 3, [0051]-[0056]), and displays Screen 90, SEINFELD, KNICKS V WIZARDS, etc “at least one prompt” for user input designating SEINFELD, KNICKS V WIZARDS, etc., “at least one television program search parameter;” and causes a search result related to SEINFELD, KNICKS V WIZARDS, etc., to be displayed on Television 68 “a viewing device” (figs 3-8, [0053-0056], [0062-0064] and [0066-0069] and where the processor is responsive to Remote Controls (RCs) 70 or 72, Mouse, etc., “user input” (page 3, [0045]).

Claims 32-33 are met as previously discussed with respect to claims 2-3.

Claim 34 is met as previously discussed with respect to claim 4.

Claim 35 is met as previously discussed with respect to claim 5.

Claim 36 is met as previously discussed with respect to claim 6.

Claim 37 is met as previously discussed with respect to claim 7.

Claim 47 is met as previously discussed with respect to claim 17.

Claims 48-50 are met as previously discussed with respect to claim 4.

Claim 51 is met as previously discussed with respect to claim 21.

Claims 52-54 are met as previously discussed with respect to claims 2-3.

Claim 55 is met as previously discussed with respect to claims 25.

Claim 56 is met as previously discussed with respect to claims 2-3.

Claim 57 is met as previously discussed with respect to claims 4.

Claim 58 is met as previously discussed with respect to claim 5.

As to claim 59, Herrington further discloses where the IPG database 64 contains program data files of current and future TV programs (page 2, [0035]; page 6, [0074-0076], [0078] and 0086))

As to claim 60, Herrington further discloses where the IPG database is stored with data from Main Facility 52 or Facility 56 "a server" via network 60 or 60 and 58 (fig. 1 and page 2, [0035-0040]).

Claim 61 is met as previously discussed with respect to claim 59.

Claim 62 is met as previously discussed with respect to claim 60.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-16 and 38-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Herrington et al (2004/0221310)** as applied to claims 1, 17, 25, 31, 51 and 55 above, and in view of **Boyer et al (6,268,849)**.

As to claim 8, Herrington fails to explicitly teach where a television search parameter includes a time period.

However, Boyer further discloses where search parameter includes by time option 510 (figs. 8, 9 and col. 8, line 63-col. 9, line 7).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Boyer into the system of Herrington to provide an time option to enable the user to search a time period for a television program, thereby providing a list of television program and associated time period to enable the user to tune to a channel at any desired time for the television program.

As to claim 9, Herrington further fails to explicitly teach where the time period is selected from a list of two or more time periods displayed within the search format.

However, Boyer further discloses searching by time and selecting from two or more time periods displayed (fig 11, 14; Window 866, SELECT TIME OF DAY, MID DAY, AFTERNOON, etc., col. 10, line 40-col. 11, line 13).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Boyer into the system of Herrington to provide the user with a list of time period, relating to the search, to meet specific demands of the user with respect the programs and time of the day, and provide the user with a list of program(s) and respective time periods, and enable the user to watch the program any time as desired.

As to claims 10 and 11, Herrington further discloses Automatic Search Terms (AS-Terms), "a default" which includes time period selection consisting of the current

time of the current day or short time in future (col. 3, lines 19-28), but fails to explicitly teach the following day.

However, Boyer further discloses time period selection, which includes the following day (fig 14, Window 866 and col. 11, lines 9-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Herrington system to include a default time period for the following day as taught by Boyer, to enable the user to search television programs of the next day to know in advance programs of interest.

As to claim 12, Herrington fails to explicitly teach specifying a time period.

However, Boyer teaches search by option time, which has been discussed with respect to claim 8.

As to claim 13, Herrington further discloses where the display search result is related to a television program that is schedule to be broadcast during at least a part of the time period (page 6, [0075]).

Claim 14, is met as previously discussed with respect to claim 3.

Claim 15, is met as previously discussed with respect to claim 29.

Claim 16, is met as previously discussed with respect to claim 5.

Claim 38, is met as previously discussed with respect to claim 8.

Claim 39, is met as previously discussed with respect to claim 9.

Claim 40, is met as previously discussed with respect to claim 10.

Claim 41, is met as previously discussed with respect to claim 11.

Claim 42, is met as previously discussed with respect to claim 12.

Claim 43, is met as previously discussed with respect to claim 13.

Claim 44, is met as previously discussed with respect to claim 3.

Claim 45, is met as previously discussed with respect to claim 29.

Claim 46, is met as previously discussed with respect to claim 5.

Response to Arguments

5. Applicant's arguments with respect to claims 1-62 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the independent claims necessitated the new ground(s) of rejection discussed above. This office action is made Final.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al (6,732,367) disclose interactive television program guide system with title and description blocking.

Rector, Jr. et al (6,209,130) disclose system for collecting television program data.

Bruette (6,708,336) discloses method of and apparatus for generating and searching a database.

Aras et al (6,486,920) disclose method and apparatus for producing program information and receiving apparatus for processing the program information.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free).



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